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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/976,217	10/11/2001	Paul R. Michaelis	4366-48	9331
48500	7590	03/13/2006	EXAMINER	
SHERIDAN ROSS P.C. 1560 BROADWAY, SUITE 1200 DENVER, CO 80202			HAROLD, JEFFEREY F	
			ART UNIT	PAPER NUMBER
			2646	

DATE MAILED: 03/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/976,217

Applicant(s)

MICHAELIS, PAUL R.

Examiner

Jefferey F. Harold

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2646

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. ***Claims 1-5, 9-21 and 23-25*** are rejected under 35 U.S.C. 102(b) as being anticipated by Jordan et al. (United States Patent 5,150,404).

Regarding **claim 1**, Jordan discloses public telephone volume control. In addition, Jordan discloses a method for operating a voice-based telecommunications device, comprising: (a) monitoring the voice-based telecommunication device for on-hook state; and (b) when the on-hook state is detected, automatically resetting at least one acoustic characteristic to a predetermined level, wherein, when the telecommunications device is in an off-hook state, the acoustic parameter is freely adjustable by a user (switch 14) and wherein the acoustic parameter comprises a volume setting of a speaker of the device (handset 11), as disclosed at column 2, line 41 through column 3, line 34 and exhibited in figures 1 and 2.

Regarding **claim 2**, Jordan discloses everything claimed as applied above (see claim 1), in addition, Jordan discloses (c) monitoring the voice-based telecommunications device for an off-hook state; and (d) when the off-hook state is detected, performing steps (a) and (b) as disclosed at column 2, line 41 through column 3, line 34 and exhibited in figures 1 and 2.

Regarding **claim 3**, Jordan discloses everything claimed as applied above (see claim 2), in addition, Jordan discloses wherein the monitoring step (a) comprises comparing a magnitude of an electrical parameter of the voice-based telecommunications device to a predetermined value and wherein the electrical parameter is an electrical current flowing to a handset of the device, as disclosed at column 2, line 41 through column 3, line 34 and exhibited in figures 1 and 2.

Regarding **claim 4**, Jordan discloses everything claimed as applied above (see claim 1), in addition, Jordan discloses (c) when the on- or off-hook state is detected, altering the state of a state indicator; and wherein the resetting step (b) comprises detecting the altered state of the state indicator and resetting the acoustic parameter to the predetermined level in response thereto, as disclosed at column 2, line 41 through column 3, line 34 and exhibited in figures 1 and 2.

Regarding **claim 5**, Jordan discloses everything claimed as applied above (see claim 1), in addition, Jordan The method of Claim 1, wherein in the automatically resetting step (b) the acoustic parameter is decreased to the predetermined level, as disclosed at column 2, line 41 through column 3, line 34 and exhibited in figures 1 and 2.

Regarding **claim 7**, Jordan discloses everything claimed as applied above (see claim 1), in addition, Jordan discloses wherein the acoustic parameter is reset by a logic module (reset generator 22) in the handset circuitry of the device, as disclosed at column 2, line 41 through column 3, line 34 and exhibited in figures 1 and 2.

Regarding **claim 8**, Jordan discloses everything claimed as applied above (see claim 1), in addition, Jordan discloses wherein the at least acoustic parameter is not automatically reset while the voice-based telecommunications device is in the off-hook state, as disclosed at column 2, line 41 through column 3, line 34 and exhibited in figures 1 and 2.

Regarding **claims 9-21 and 23-25**, they are interpreted and thus rejected for the reasons set forth above in the rejection of claims 1-5, 7 and 8.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. ***Claims 6 and 12*** are rejected under 35 U.S.C. 103(a) as being unpatentable over Matheny in view of well know prior art (MPEP 2144.03).

Regarding **claim 6**, Jordan discloses everything claimed, as applied above, (see claim 1), in addition Jordan discloses that the volume level and number of volume levels is an arbitrary choice, and the any other number of volume levels may be chosen, as best suited for the application, however, Jordan fails to disclose wherein the predetermined level is user adjustable. However, the examiner takes official notice of the fact that it was well know in the art to provide disclose wherein the predetermined level is user adjustable.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Jordan by specifically providing disclose wherein the predetermined level is user adjustable, for the purpose of customizing the system for various environments.

Regarding **claim 12**, it is interpreted and thus rejected for the reasons set forth above in the rejection of claim 6.

### ***Response to Arguments***

3. Applicant's arguments with respect to claims 1-25 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jefferey F. Harold whose telephone number is 571-272-7519. The examiner can normally be reached on Monday - Friday 9 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh H. Tran can be reached on 571-272-7564. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



JFH  
March 7, 2006



Jefferey F Harold  
Primary Examiner  
Art Unit 2646